IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25985 of 2004
SMT. SHAKUNTALA SINGH & ORS
Versus
STATE OF BIHAR & ANR
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19 01-07-2008 Heard learned counsel for the State and learned counsel for O. P. no.2. None appears on behalf of the petitioners.

This application has been filed for quashing the order dated 4.3.2002 by which learned Railway Judicial Magistrate, 1st class, Patna took cognizance in complaint case no. 1 (C)/2000 against the petitioners u/ss 365, 384, 341 and 504 of the Indian Penal Code read with 3(1) of the S.C and S. T. (P.O.A.) Act, 1989 and issued summons against them for their appearance.

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The case of complainant/ O.P.no.2, in short, is that he was in search of a job in Delhi. He was sitting in Railway waiting room at Patna junction for boarding a train for going to Delhi. The accused persons met him. Accused Shashi Ranjan asked the name and address of complainant and asked to accompany him to Delhi where he would provide him a job on a salary of Rs. 500/-. Accused Surendra Prasad Singh also assured that after one year he would be put in a government job. On the said assurance the complainant went with them to Delhi where he started working as domestic servant. It is said that at Delhi the accused persons asked him for cleaning the toilet and on denial he was abused and assaulted also. The accused persons did not pay his salary and called him Harijan. Some how the complainant escaped from their house and on 17.9.2000 filed the present complaint case before the court at Patna on 18.9.2000.

It appears that complainant was examined on S.A and during enquiry u/s 202 of the Cr. P.C three witnesses were examined and learned Magistrate by the impugned order dated 4.3.2002 took cognizance u/ss 365, 384, 341 and 541 of the Penal Code and 3(1) of the S.C & S.T (P.O.A) Act, 1989.

There is no allegation in the petition of complaint that complainant/ O.P. no.2 was minor. It appears from the allegations made in the complaint petition that entire occurrence took place at Delhi. There is also no allegation in the complaint petition that complainant was kidnapped by the accused persons.

Section 177 of the Code of Criminal Procedure says that every offence shall ordinarily be enquired into and tried by a court within whose jurisdiction it was committed.

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In face of the above provision the court at Delhi has only jurisdiction to try the offence as alleged in the complaint petition.

Learned counsel for the State also conceded that the court at Patna has no jurisdiction to entertain the complaint.

In the aforesaid facts and circumstances, the court at Patna has no jurisdiction to try the offence. The cognizance, therefore, has been wrongly taken at Patna. This application is, accordingly, allowed and order of cognizance dated 4.3.2002 as against the petitioners is hereby quashed.

BKS/ **(M. Saran,J.)**